

published, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

S. B. No. 287, being a bill to be entitled "An Act for the formation of corporations to contract for and make blue prints, mimeographs and do plat work, and declaring an emergency,"

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

H. B. No. 100, being a bill to be entitled "An Act to amend Article 7805 of Chapter 1 of Title 130, of the Revised Civil Statutes of Texas of 1911, as amended by the Act of the Regular Session of the Thirty-fifth Legislature of the State of Texas, approved February 23, 1917 (pages 63 and 64, Session Acts, Regular Session Thirty-fifth Legislature of Texas), so as to define the terms upon which certain foreign corporations whose permits to do business in Texas have been forfeited may be readmitted to do business in Texas, and declaring an emergency,"

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred Senate Bill No. 211, have had the same under consideration, and I am

instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

## TWENTY SIXTH DAY.

Senate Chamber,  
Austin, Texas, Feb. 18, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Williford.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

## Petitions and Memorials.

See Appendix.

## Standing Committee Reports.

See Appendix.

## Bills and Resolutions.

By Senator Hertzberg:

S. B. No. 307, A bill to be entitled "An Act to amend Article 167, Chapter II, Title 10, of the Revised Civil Statutes of the State of Texas of 1911, relating to the treatment and maintenance of patients in the Pas-

teur Hospital, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Hertzberg:

S. B. No. 308, A bill to be entitled "An Act to amend Article 2925, Chapter II, Title 49 of the Revised Civil Statutes of the State of Texas of 1911, relating to the compensation of judges and clerks of general and special elections, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Bell:

S. B. No. 309, A bill to be entitled "An Act making an appropriation for heating, plumbing fixtures, sewerage disposal, ice plant, laundry machinery, and for the erection of an industrial building, nurses' home, male chronic ward and female chronic ward for the Northwest Texas Insane Asylum in addition to the appropriation contained in Chapter 183 Acts of the Regular Session of the Thirty-fifth Legislature, and providing that such fund shall be expended under the direction of the building board created by the Act of the Thirty-fifth Legislature, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator McNealus:

S. B. No. 310, A bill to be entitled "An Act prohibiting the screening of coal before being weighed, providing penalties for violating this Act."

Read first time and referred to Committee on Labor.

By Senator Dudley:

S. B. No. 311, A bill to be entitled "An Act to require persons holding oil or gas leases upon lands within the State of Texas to release their right upon such lands at such time as it is provided therein that said leases shall terminate; and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Hopkins:

S. B. No. 312, A bill to be entitled "An Act to amend Article 7490 and Article 7497 of the Revised Civil

Statutes of the State of Texas, of 1911, and Article 7491 of the Revised Civil Statutes of the State of Texas, of 1911, as amended by Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature so as to further provide for the collection of inheritance taxes, the making of reports concerning estates subject to taxation, the fixing of penalties, prescribing duties and fixing compensation of District and County Attorneys and County Judges and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Dudley:

S. B. No. 313, A bill to be entitled "An Act making an appropriation for the establishment, construction, equipment and maintenance of a wool and mohair scouring plant, at the Agricultural Experiment Station, of the Agricultural and Mechanical College of Texas, for the scouring of representative samples of wool and mohair in order to determine their shrinkages, as protection to the Texas producers of wool and mohair in the sale of their products, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock raising.

By Senator Gibson:

S. B. No. 314, A bill to be entitled "An Act to amend Article 2781 of the Revised Civil Statutes of 1911 in regard to wages of teachers."

Read first time and referred to Committee on Educational Affairs.

#### Senate Bill No. 106—Free Conference Committee Report.

Committee Room,

Austin, Texas, Feb. 14, 1919.

Hon. W. A. Johnson, President of the Senate; Hon. R. E. Thomason, Speaker of the House.

Sirs: We, your Free Conference Committee appointed on Senate Bill No. 106, beg leave to report that we have met and adjusted the differences between the House and Senate, and recommend to the House and Senate the passage of said bill, amended as follows:

Amend the bill by striking out all before the enacting clause and insert in lieu thereof the following:

A BILL  
To Be Entitled

An Act to make it unlawful for any person, persons, firm, troupe, company, corporation or aggregation of persons traveling from place to place, composed wholly or in part of women, to show or exhibit in any dancing performances or as dancers in a tent or other temporary enclosure, structure, or any place whatsoever; provided, that it shall not be unlawful for regularly organized shows, theatrical companies or troupes to show or exhibit in permanently established opera houses, theaters, playhouses, auditoriums or licensed circuses, and providing penalties for violation of the Act, and declaring an emergency.

And further amend the bill by striking out all after the enacting clause and in lieu thereof insert the following:

Section 1. It shall hereafter be unlawful for any person, persons, firm, troupe, company, corporation or aggregation of persons, traveling from place to place, composed in whole or in part of women, to show or exhibit in any dancing performances, or as dancers in a tent, enclosure, temporary structure, or in any location whatever; provided, that it shall not be unlawful under this Act for any regularly organized show, theatrical company or troupe to show or exhibit dancing performances in permanently established opera houses, play houses or auditoriums; or for any licensed circus to give dancing exhibitions in connection with any regular performance, provided said circus exhibits for no longer period of time than one day in succession in any town or city in this State.

Section 2. Any person, persons, firm, troupe, corporation, company or aggregation of persons, violating any provision of this Act, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less than \$100.00 nor more than \$500.00, and shall in addition thereto be sentenced to not less than thirty days nor more than one year in the county jail in which county the offense is committed.

Section 3. Whereas, there is now no statute prohibiting such dancing performances described in this Act, and there is a large demand that this

Act go into immediate effect, creates an emergency, and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and the same is hereby suspended, and that this Act take immediate effect and be in force from and after its passage, and it is so enacted.

FLOYD,  
STRICKLAND,  
DEAN,  
COUSINS,  
SUITER,

On part of the Senate.

JOHN DAVIS,  
CRUMPTON,  
GADDY,  
WRIGHT,  
OWEN,

On part of the House.

The foregoing report was laid before the Senate and read.

Senator Floyd moved that the report be adopted, and this motion prevailed by the following vote:

Yeas—16.

Alderdice.	Dean.
Bell.	Dorough.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Carlock.	Hopkins.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Woods.

Nays—9.

Caldwell.	McNealus.
Dudley.	Page.
Faust.	Parr.
Hertzberg.	Witt.
Johnston.	

Absent.

Bailey.	Westbrook.
Hall.	Williford.
Smith.	

**House Concurrent Resolution No. 29.**

The Chair laid before the Senate on second reading:

H. C. R. No. 29, as follows:

Whereas, Sunday, March 2nd, 1919 will be the 126th anniversary of the birth of Sam Houtson, and the 83rd anniversary of the adoption of his motion of the Declaration of Texas Independence; and

Whereas, Patriotic recognition is imperatively demanded at the hands of the representatives of the people of Texas of so memorable a joint anniversary, which is associated in glorious memory with a name which is woven into the very warp and woof of the history of Texas; therefore be it

Resolved by the House, the Senate concurring, that a celebration of said historic anniversary be held in the hall of the House of Representatives on Sunday, March 2nd, 1919, at 8 p. m. by both Houses of Legislature and that the public be invited to attend such celebration. Be it further

Resolved, That a committee of three members from the House and two from the Senate be appointed by the presiding officers respectively, of said Houses, to select the orator of the occasion and to make all other necessary arrangements for said celebration; said committee to report its action to both Houses at the earliest practicable day.

DAVIDSON,  
MILLER of Dallas.

Senator Dean offered the following amendment which was read and adopted:

Amend the resolution by striking out the figure 8 wherever it occurs and substituting therefor 3:30.

The resolution was read and adopted as amended.

#### Simple Resolution No. 68.

Whereas, the Hon. E. G. Senter, a former distinguished member of the Senate of Texas is in the Capitol; therefore, be it

Resolved That the privileges of the Senate Chamber be extended to Mr. Senter and that he be requested to address the Senate.

McNEALUS.  
WITT.

The resolution was read and adopted and the chair named a special committee to escort ex-Senator Senter to the President's stand where he was presented to the Senate and made a brief address on the subject of cotton.

#### Senate Bill No. 61.

The chair laid before the Senate as pending business on second reading:

S. B. No. 61 A bill to be entitled "An Act to place under the jurisdiction of the Railroad Commission of the State of Texas public utilities, as defined in this Act, conferring upon the Commission powers for the regulation of such public utilities as defined herein except the rates and service of public utilities operated by cities and towns, prescribing the rights and duties of public utilities, preserving to cities towns and municipalities powers for regulation and control providing penalties for violations of provisions of this Act, repealing all laws and parts of laws in conflict with provisions hereof, but not affecting or limiting in any manner the powers and duties of the Commission with respect to railroads and other utilities heretofore under its jurisdiction authorizing the employment of an attorney, and declaring an emergency."

On motion of Senator Dorough the bill was read in full and considered section by section.

Senator Dayton offered the following amendment which was read and adopted:

(1) Amend committee substitute for Senate Bill No. 61 by placing the word "Section" in front of the figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

Senator Dorough offered the following amendments, which were severally read and adopted:

(2) Amend page 1, line 28, by striking out the letter "c" and inserting in lieu thereof the letter "e" in the parenthesis at the beginning of said line.

(3) Amend the bill by inserting in line 12, page 2, before the word "electricity" the following: "or selling" and strike out the word "or" in line 11, page 2.

(4) Amend the bill by striking out lines 12 and 14, page 2, the words: "for hire."

(5) Amend the bill by striking out of line 13 page 2 the word "or" and inserting in said line after the word "distributing" a comma and inserting after the word "delivering" the words: "or selling".

Senator Alderdice offered the fol-

lowing amendments which were read and adopted seriatim:

(6) Amend the substitute bill No. 61 by inserting at the end of line 1, page 3 the following: "and whose principal business is conducted therein."

(7) Inserting after the word "aforesaid" in line 9 of Section 8, page 4, the following: "and such utilities as are exempted from the jurisdiction of the Commission by the provisions of Section 4 of this Act."

Senator Dayton offered the following amendments which were read and adopted, severally:

(8) Amend committee substitute for Senate Bill No. 61, Section 8, line 8, page 4, printed bill, after the word "herein" add the following: "and shall have power to initiate and fix rates, rules and regulations of or for all such public utilities."

(9) Amend committee substitute for Senate Bill No. 61 Section 8, line 9, page 4, printed bill, after the word "time" add the words "to time".

Senator Dean offered the following amendment, which was read:

(10) amend the bill by striking out all of Section 8 after the word "practices" in line 10, page 4.

Senator Dayton offered the following substitute for pending amendment No. 10:

Strike out in printed bill Section 8, page 4, beginning with word "and" in line 17, the remainder of said section.

The amendment was substituted.

The amendment as substituted was then adopted.

Senate Bill No. 61 pending.

(Senator Gibson in the chair.)

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 18, 1919.

Lieutenant Governor W. A. Johnson  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House Has adopted Conference Report on Senate Bill No. 106.

Has adopted S. C. R. No. 21, rescinding action in adopting S. C. R. No. 17.

Has adopted S. C. R. No. 24, urging the passage of the bill through

Congress relative to soldier settlement.

Respectfully submitted,

T. B. REESE,  
Chief Clerk, House of Representatives.

#### Recess.

At 12:05 o'clock p. m. the Senate, on motion of Senator Clark, recessed until 2:30 o'clock p. m. today.

#### After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Johnson.

#### Simple Resolution No. 69.

Whereas, Senator John G. Willacy, a distinguished former member of this body, is in the city; therefore, be it

Resolved, That he be invited to address the Senate and that the privileges of the floor be extended to him.

WESTBROOK.

The resolution was read and adopted, and Senator Willacy addressed the Senate briefly.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 18, 1919.

Lieutenant Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Kittrell et al.:

H. B. No. 196, A bill to be entitled "An Act to amend Chapter 64 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 123 thereof, relating to the salary of District Attorneys in counties having a population in excess of one hundred thousand; and also amending Chapter 55 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 94 thereof, relating to the appointment and compensation of deputy county officers and assistants to District Attorneys; fixing the salary of District Attorneys and their deputies, assistants and stenogra-

phers, and providing for the method of the appointment of such deputies, assistants and stenographers, and the method of determining and fixing the salaries thereof in counties having a population of more than one hundred thousand."

With engrossed rider.

The House concurs in Senate amendments to H. C. R. No. 29.

Respectfully submitted,

T. B. REESE,  
Chief Clerk, House of Representatives.

#### Bill Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after its caption had been read, the following House bill:

H. B. No. 196, referred to the Committee on Civil Jurisprudence.

#### Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. C. R. No. 10, Providing that public schools shall preserve their flags by keeping same indoors except in fair weather.

S. C. R. No. 19, Relating to Federal aid for vocational education as provided by the Smith-Hughes Act of Congress.

S. C. R. No. 21, Rescinding S. C. R. No. 17 providing for removal of sign board at South entrance of Capitol grounds.

S. C. R. No. 24, Relating to measures pending in Congress relating to soldier settlements.

S. B. No. 149, A bill to be entitled "An Act authorizing counties, acting through their commissioners' courts, to purchase seed to be planted on farms in such counties by residents thereof, who are poor and unable to procure same and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations, by which such seed and feed will be furnished said residents, etc."

H. B. No. 320, A bill to be entitled "An Act creating the Saratoga Independent School District in Hardin

county, and declaring an emergency."

H. B. No. 29, A bill to be entitled "An Act to repeal the item of salary for two nurses at \$600 each, contained in the appropriation for the Confederate Woman's Home for the years 1918 and 1919, making an appropriation for the salary of two nurses in said Home for the months of January, 1919, to August, 1919, both inclusive, and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act to amend the act of the Thirty-fourth Legislature entitled 'An Act to create a county court of Jefferson county at law; to define its jurisdiction; to fix its terms; providing for a clerk thereof; providing for the appointment of a judge thereof; fixing the salary of the clerk and the judge thereof; providing for the transfer of cases and appeals therefrom.'"

H. B. No. 313, A bill to be entitled "An Act to validate the charter and incorporation of the city of Stamford adopted by the qualified voters of said city since the enactment of Chapter 147, page 307, of the Acts of the Regular Session of the Thirty-third Legislature, and filed in the office of the Secretary of State, and declaring an emergency."

H. C. R. No. 28, Inviting the various Governors and Legislators to attend a meeting of the United States Good Roads Association.

S. B. No. 106, A bill to be entitled "An Act to make it unlawful for any person, persons, firm, troupe, company, corporation or aggregation of persons traveling from place to place, composed in whole or in part of women, to show or exhibit in any dancing performances or as dancers in a tent or other temporary enclosure, structure or any place whatsoever; provided that it shall not be unlawful for regularly organized shows, theatrical companies or troupe to show or exhibit in permanently established opera houses, theaters, play houses, auditoriums or licensed circuses, and providing penalties for violation of the Act, and declaring an emergency."

#### Senate Bill No. 61.

Action here recurred upon the pending business, the same being Senate Bill No. 61, the public utili-

ties bill (see morning session for the caption in full.)

Senator McNealus offered the following amendment:

Amend committee substitute to Senate Bill No. 61, Section 12, page 7, line 5 by striking out the words "subject, however, to the provisions of this Act."

On motion of Senator Dorrough the amendment was tabled.

Senators Dayton and Dean offered the following amendment:

Amend committee substitute for Senate Bill No. 61 by rewriting section 13, beginning on page 7, line 32, printed bill, to hereafter read as follows:

"Section 13. The Commission may investigate complaints of all parties, including citizens, cities, towns, municipalities, counties and public utilities making any complaint or complaints, and after such preliminary investigation as may be deemed necessary by the Commission, may call for and hold hearings after due notice to the interested parties, on rates, charges rules and regulations, and promulgate rates, rules and regulations and issue orders requiring compliance therewith, in accordance with this Act; and provided that the service shall not be discontinued pending the investigations and hearings herein provided for."

The amendment was read and Senator Witt offered the following substitute for same, viz:

(11) Strike out in line 32, page 7, the words "It shall not be the duty of the Commission" and substitute the words "the Commission may decline". Strike out the words in line 3, page 8 "Shall be required to" and substitute the word "may." Strike out in lines 7 and 8, page 8 the words "It shall not be the duty of the Commission to undertake" and substitute therefor the words, "and the Commission may decline".

Senator Dayton moved to table the substitute and this motion was lost by the following vote:

Yeas—8.

Caldwell.	Hopkins.
Dayton.	McNealus.
Dean.	Page.
Dudley.	Strickland.

Nays—16.

Alderdice.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Parr.
Carlock.	Smith.
Cousins.	Suiter.
Dorough.	Westbrook.
Faust.	Witt.
Floyd.	Woods.

Absent.

Bailey.	Hall.
Bell.	Johnston.
Clark.	Williford.

The amendment was substituted.

The amendment as substituted was then adopted.

Senator Dayton then offered the following amendments which were read and adopted.

(12) Amend committee substitute for Senate Bill No. 61, section 14, line 16, page 8, printed bill, before the word "rules" insert the following words: "rates, charges".

(13) Amend committee substitute for Senate Bill No. 61, section 14, line 19, page 8, printed bill, after the word "adequate" insert the following words: "rates, charges".

(14) Amend committee substitute for Senate Bill No. 61, by striking out in line 32, section 15, page 8, printed bill, the word "establish" after the word "may" and insert in lieu thereof the following words: "require the establishment of".

Senator Dorrough offered the following amendment which was read and adopted:

(15) Amend the bill by striking out the period occurring after the word "utilities" in line 11, page 9, and add the following: "and the Commission may ascertain, determine and fix the Commission to be paid one utility for acting as the agent of, or otherwise handling the business of another utility."

Senator Dayton offered the following amendments which were read and adopted:

(16) Amend committee substitute for Senate Bill No. 61, by striking out in line 10, page 9, Section 15, printed bill, the following word: "changed" and insert in lieu thereof the following word: "charged".

(17) Amend committee substitute for Senate Bill No. 61, line 7, page 10, section 18, printed bill, after the word "State" insert the follow-

ing words: "in accordance with law and rules and regulations of local authorities."

Senator Sulter offered the following amendment:

Amend committee substitute for Senate Bill No. 61 by striking out all of section 18, after the period in line 7, page 10.

Senator Dayton moved to table the amendment and this motion prevailed by the following vote:

Yeas—15.

Alderdice.	Dudley.
Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hopkins.
Carlock.	Parr.
Clark.	Smith.
Dayton.	Woods.
Dorough.	

Nays—11.

Cousins.	Page.
Dean.	Strickland.
Faust.	Suiter.
Hertzberg.	Westbrook.
Johnston.	Witt.
McNealus.	

Absent.

Bailey.	Hall.
Buchanan of Bell.	Williford.

Senator Dorough offered the following amendment which was read and adopted:

(18) Amend page 11, line 22, by striking out the word "competion" and inserting in lieu thereof the word "competition."

Senator Dayton offered the following amendment which was read and adopted:

(19) Amend committee substitute for Senate Bill No. 61, by striking out in line 24, section 22, page 12, printed bill, the word "thirty" and insert in lieu thereof the following word: "ten".

Senator Strickland offered the following amendment which was read and adopted:

(20) Amend committee substitute to Senate Bill No. 61 by adding:

Sec. 22a In any contest over the reasonableness of any rate or regulation of any utility subject hereto, the commission or court trying the issue, shall not consider or apply any estimate of value of property based upon the "reproduction new" theory.

Senator Dayton offered the follow-

ing amendments which were read and adopted:

(21) Amend committee substitute for Senate Bill No. 61, by striking out in line 10, section 26, page 14, printed bill, the word "thirty" and insert in lieu thereof the following word: "fifteen".

And also in line 14, section 26, page 14, printed bill, strike out the word "thirty" and insert in lieu thereof the following word: "fifteen".

(22) Amend committee substitute for Senate bill No. 61, by striking out in line 25, section 26, page 14, printed bill, the word "thirty" and insert in lieu thereof the following word: "twenty". And also in line 26, section 26, page 14, printed bill, strike out the word "thirty" and insert in lieu thereof the following word: "ten".

Senator Witt offered the following amendment:

Amend committee substitute to S. B. No. 61 as follows:

Strike out the words in lines 2 and 3, page 15, as follows, "the District Court of Travis County against said Commission as defendant," and substitute therefor the words, "any District Court of any county wherein the order of said Commission would be effective against all other parties to said controversy."

Senator Dorough moved to table the amendment, and this motion prevailed by the following vote:

Yeas—14.

Bell.	Dorough.
Buchanan of Scurry.	Dudley.
Caldwell.	Floyd.
Carlock.	Gibson.
Clark.	Hopkins.
Dayton.	Page.
Dean.	Parr.

Nays—11.

Alderdice.	Strickland.
Cousins.	Suiter.
Faust.	Westbrook.
Hertzberg.	Witt.
McNealus.	Woods.
Smith.	

Present—Not Voting.

Johnston.

Absent.

Bailey.	Hall.
Buchanan of Bell.	Williford.

Senator Dayton offered the following amendment, which was read and adopted:

(23) Amend committee substitute for S. B. No. 61 by striking out in lines 6 and 7, Section 27, page 15, printed bill, the following words:

"Such proceeding shall have precedence over all of them."

The following amendment by Senator Dorrough was read and adopted, viz.:

(24) Amend page 15, line 18, by changing the word "conditional" to "conditioned."

Senator Witt offered the following amendment, which was read and adopted:

(25) Amend committee substitute for S. B. No. 61 by striking out all of Section 27 after the word "notice" in line 15.

Senator Dayton offered the following amendments, which were read and adopted:

(26) Amend committee substitute for S. B. No. 61, line 17, Section 31, page 16, printed bill, by inserting in front of the word "officer" the following word "owner."

(27) Amend committee substitute for S. B. No. 61, line 30, Section 32, page 16, printed bill, by inserting after the word "commission" the following words, "or at a hearing of the Commission."

(28) Amend committee substitute for S. B. No. 61, page 17, printed bill, by rewriting Section 35, to hereafter read as follows:

"This Act shall become applicable to all telephone and telegraph lines or systems, and other public utilities that may come under the provisions of this Act, within thirty days from the date such telephone, telegraph lines and systems, or other utilities, are surrendered or returned to their owners by the Federal Government."

And renumber Section 35, making it Section 36, to read as follows:

"The fact that there is no law providing for the adequate regulation of the public utilities named herein creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect from and after its passage, and it is so enacted."

Senator Witt offered the following

amendment which was read and adopted:

(29) Amend committee substitute to Senate Bill 61, by adding after the word commission, line 20, page 5, the following: "And with the governing body of the city or town wherein such change of rates is to apply."

Senator Suiter offered the following amendment which was read and adopted:

(30) Amend committee substitute for Senate Bill No. 61, page 6 by changing the period after the word "sufficient" in line 4 to a comma and insert thereafter the following: "all of which reasons for a change in rates and the time when the commission will hear said complaint and where, shall be by said public utility published in some newspaper of general circulation in the community served by said public utility for at least 10 days before said hearing, and after such publication the commission shall grant said hearing and if said utility is one serving a particular locality the commission shall determine what are adequate rates for said community without reference to the rate or rates for any other community or locality."

Senator Dorrough offered the following amendment which was read and adopted:

(31) Amend the caption by inserting in line 8, page 1, after the word "towns," and before the comma the following: "and certain utilities operated in cities and towns."

The bill was read second time and ordered engrossed by the following vote:

#### Yeas—17.

Alderdice.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hopkins.
Carlock.	Page.
Clark.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Westbrook.
Dudley.	

#### Nays—8.

Cousins.	McNealus.
Faust.	Suiter.
Hertzberg.	Witt.
Johnston.	Woods.

## Absent.

Bailey.	Hall.
Bell.	Williford.
Buchanan of Bell.	

On motion of Senator Dorrough, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 61 put on its third reading and final passage by the following vote:

## Yeas—23.

Alderdice.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

## Absent.

Bailey.	Hall.
Bell.	Suiter.
Buchanan of Bell.	Williford.
Cousins.	

The bill was laid before the Senate, read third time and, on motion of Senator Dorrough, was passed by the following vote:

## Yeas—18.

Alderdice.	Dudley.
Buchanan of Scurry.	Floyd.
Caldwell.	Gibson.
Carlock.	Hopkins.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Westbrook.

## Nays—7.

Faust.	Suiter.
Hertzberg.	Witt.
Johnston.	Woods.
McNealus.	

## Absent.

Bailey.	Hall.
Bell.	Williford.
Buchanan of Bell.	

26—Jour.

## Senate Bill No. 169.

The Chair laid before the Senate on second reading:

S. B. No. 169, A bill to be entitled "An Act authorizing any town or city in the State now organized or which may be hereafter organized, under the laws of Texas, or operating under a Special Act or Charter, to lease any oil or mineral land owned or held by such town or city, provided that the same shall not apply to any streets or alleys, public squares or any lands dedicated by any person or persons, for public use, in such town or city."

Senator Carlock offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 169 by changing the period at the end of line 22, page 1, and placing a semicolon in its stead, and adding the following:

"And provided further that no well shall be drilled within the thickly settled portion of any city or town, nor within two hundred (200) feet of any private residence."

Senate Bill No. 169, pending.

## Adjournment.

At 5:40 o'clock p. m., the Senate on motion of Senator Clark, adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## Petitions and Memorials.

The Chair presented resolutions from the inmates of the Confederate Home, asking that the Legislature do what it can to aid in obtaining from the Federal Government sixty million dollars cotton tax.

Senator Page offered a letter from W. D. Scarborough, Sheriff of Lee County, favoring strong legislation concerning teaching of German in parochial schools.

Senator Buchanan of Bell presented a numerously signed petition from Temple, protesting the passage of S. B. No. 44, whole family insurance.

Senator Westbrook presented a communication from E. L. Spurlock of Greenville, favoring the bill providing Board of Control.

Senator Johnston offered a letter from the Y. W. C. A. of Houston, appealing to the Senate for the passage of a bill to create a Court of Domestic Relations.

Senator McNealus offered a numerously signed petition from Dallas, favoring a law to protect the small oil stockholders by requiring companies and associations to render financial monthly statements under oath.

The petition was read and referred to the Committee on Internal Improvements.

#### Engrossing Committee Report.

Committee Room,  
Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 66 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred Senate Bill No. 245, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Vice Chairman.

Committee Room,  
Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred Senate Bill No. 227, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Vice Chairman.

Committee Room,  
Austin Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred H. B. No. 88, being a bill to be

entitled "An Act to amend Article 2174, Chapter 23, Title 37, of the Revised Civil Statutes of Texas, relating to pleadings in suits against non-residents, transients and persons whose place of residence is unknown, by providing that the pleadings in such cases shall contain the ordinary requisites of pleadings required by law in cases of personal service, and declaring an emergency."

Have had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend H. B. No. 88 by amending Section 1 thereof so as to read as follows:

"Section 1. That Article 2174, Chapter 23, Title 37, of the Revised Civil Statutes of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Article 2174. The pleadings in such case shall set forth the title of the complainant; and such proceedings shall be had in such action as may be necessary to fully settle and determine the question of right or title in and to said property between the parties to said suit, and to decree the title or right of the party thereto; and the court may issue the appropriate order to carry such decree, judgment or order into effect."

DEAN, Chairman.

Committee Room,  
Austin, Texas, February 18, 1919.  
Honorable W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 253, being a bill to be entitled "An Act to amend Section 1 of Chapter 59 of the Acts of the Regular Session of the Thirty-third Legislature, relating to the manner of submitting instructions to juries in civil cases, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,  
Austin, Texas, February 18, 1919.  
Honorable W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 290, being a bill to be entitled "An Act to amend Article 1206, of the Revised Civil Statutes of 1911, so as to provide that the dissolution of a corporation shall not operate to abate any pending suit and so as to provide that suit may be maintained against the president, directors, general manager, trustee, or assignee of such corporation and providing that the assets of said corporation shall be subject to the payment of judgments, and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room.

Austin, Texas, February 18, 1919.  
Honorable W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 300, Being a bill to be entitled "An Act to amend Article 7684, of the Revised Civil Statutes of Texas 1911, by providing a period of limitation, within which action must be brought, to foreclose liens upon land, securing taxes, providing a period within which such lien shall be barred; and to amend Article 7662 of the Revised Civil Statutes of Texas, 1911, relating to liens for taxes, by providing that no delinquent tax payer shall have the right to plead limitation, by way of defense, against any taxes due by him, or her, either to the State, or county, city or town, but that the lien created against any real estate involved, shall be barred after certain periods of time stated in this Act; and by adding Article 7662a, providing a period within which officers, collecting delinquent taxes, shall be paid their costs, and officers, collecting taxes and keeping records, shall collect their costs, and that unless collected within two (2) years, the same shall become barred, and providing that cost of advertising, paid by the State, county, or city, together with the interest on said delinquent taxes, shall not be barred; and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, February 18, 1919.  
Honorable W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 221, Being a Bill to be entitled "An Act to permit the destruction of all papers, except the dockets, of the Justice Courts, in the State of Texas, after ten years from the rendition of judgment in any cause, and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, February 18, 1919.  
Honorable W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 7, Being a bill to be entitled "An Act to amend Article 2942, Chapter 4, Title 49 of the Revised Civil Statutes of Texas of 1911, by adding thereto authority to the holder of a certificate of honorable discharge from the military service of the United States to vote thereon without the payment of poll tax and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 13, being a bill to be entitled "An Act to amend Sections 11, 12, and 13, of Chapter 30 of the Acts of the Regular Session of the Thirty-fifth Legislature so as to abolish the position of Pipe Line Expert, and to define the duties of the Railroad Commission in regard to assembling information to be used as a basis for making rates, levying a tax on crude oil produced, providing for the payment of certain expenses, and declaring an emergency,"

Has had said bill under consideration and I am directed to report the

same back to the Senate with the recommendation that it do not pass.

Notice of minority report given by Senator Hopkins.

DEAN, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 18, 1918.

Hon. W. A. Johnson, President of the Senate.

Sir: We, the minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 13, Being a bill to be entitled "An Act to amend Sections 11, 12, and 13, of Chapter 30 of the Acts of the Regular Session of the Thirty-fifth Legislature so as to abolish the position of Pipe Line Expert, and to define the duties of the Railroad Commission in regard to assembling information to be used as a basis for making rates, levying a tax on crude oil products, providing for the payment of certain expenses, and declaring an emergency."

Have had said bill under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass.

HOPKINS.  
SUITER.

Committee Room,

Austin, Texas, Feb. 18, 1918.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

S. B. No. 274, A bill to be entitled "An Act creating the Charlotte Independent School District covering the same territory heretofore known as Common School District No. 22 in Atascosa County, Texas, and defining its boundaries; and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes; and conferring upon the board of trustees plenary powers; and providing for the trustees to have power and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing school buildings within the same; and to levy a tax therefor; and to pay current expenses for the maintenance and support of said school; providing for a board of equalization, and further prescribing the duty and authority of said board of equaliza-

tion; and further prescribing the duty and authority of said board of trustees; and declaring valid an issue of bonds heretofore made; declaring valid all maintenance tax heretofore voted; and repealing all laws in conflict herewith in so far as they conflict with this Act."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, February 18, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

S. B. No. 351, A bill to be entitled "An Act creating the Goose Creek Independent School District in the County of Harris, State of Texas, defining its boundaries and divesting the bodies politic now controlling the same of the title of all property now held and used for public school purposes within the territory within this Act described and investing the same in the Goose Creek Independent School District, providing for the election of a Board of Trustees to manage and control the public free schools within said district and investing the said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, February 18, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to who was referred

S. B. No. 283, have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 18, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No. 276, A bill to be entitled "An Act creating the Katy Independent School District in the Counties of Harris, Waller and Fort Bend, State of Texas, defining its boundaries and divesting the bodies now controlling the same of the title of all property now held and used for public school purposes within the territory described within this Act and investing the same in the Katy Independent School District, etc., and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, February 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 342, A bill to be entitled "An Act to incorporate Cain City Independent School District in Gillespie County, Texas, providing for the exercise of all powers and privileges incident and belonging to Independent School Districts, and declaring an emergency".

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

(Floor Report)

Senate Chamber,  
Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred

H. B. No. 200, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the coun-

ties named so as to include Archer county, Hemphill, Roberts, Gray, Madison, etc.; and declaring an emergency."

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Clark, Chairman; Bell, Buchanan of Scurry, Bailey, Parr, Dudley.

Committee Room,  
Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred S. B. No. 294, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred S. B. No. 269, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.

#### Special Finance Committee Report.

Committee Room,  
Austin, Texas, Feb. 19, 1919.  
To the Members of the Senate of the Thirty-sixth Legislature.

Gentlemen: Referring to Senate Concurrent Resolution No. 18, concerning appropriations to be made for the support of the State Government and State institutions, I stated the following:

"Whereas, It appears from reliable information that only twenty-eight millions of dollars will be available for the support of the State Government for the next two years; and

"Whereas, About double that amount is being asked for by the various departments of government and State institutions, including the increase of the salaries of practically all of the employes and the erection of new buildings, etc."

In making the above statement, I desire to give my reasons for so doing: Before I prepared this resolu-

tion, I called on the Reference Librarian and requested that the total expenses of the State Government be furnished me for the two fiscal years ending August 31st, 1918, and August 31, 1919. I was given the following figures: "The total appropriations, inclusive of the University, first year, \$25,266,147.12; second year, \$18,873,962.09, making a total for the two years of \$44,139,109.21." These figures were taken from data compiled by Tom Finty Jr., of the Dallas News, and printed on page 4, column 3, under date of July 1st, 1917.

Since offering the above resolution, I have been informed that the \$44,139,109.21 referred to was misleading, in so far as the total amount actually appropriated by the Thirty-fifth Legislature is concerned, but does reflect the actual gross expenses of the State Government. I did not know at the time the figures were given me that the \$44,139,109.21 included the Common School Fund for the two years of some \$18,000,000, in round numbers. This amount should have been deducted from the gross expenses of \$44,139,109.21, leaving a net amount appropriated of over \$26,000,000 for the two years of 1918-1919.

The fact remains, however, that the gross expense of operating the State Government for the years of 1918-1919, according to the carefully compiled estimate of Mr. Finty, was \$44,139,109.21.

I did not offer Senate Concurrent Resolution No. 18 for the purpose of raising an issue with the chairman of the House Appropriation Committee, but to call the attention of the Legislature to the enormous expense incurred by our State Government for the past two years, and to call the attention of the Legislature to the further fact that several million dollars' increase is being asked for for the next two years, over the last appropriation bill. I desired also to place the Legislature on record as favoring economy in administering the affairs of our State Government, and that the interests of the taxpayers of the State should be served wisely and well. If the appropriations asked of the Legislature are granted, it appears that we will not be able to raise sufficient revenue from all sources to pay the cost of

government for the next two years. However, I have full confidence in the Finance Committees and the Legislature, and believe that the appropriations asked for will be decidedly decreased.

I believe this statement opportune, and trust that our motives will not be questioned or misunderstood, and while perhaps there is no occasion for alarm at this time, yet a knowledge of the facts in advance will enable us to perform our obligations to the people of Texas with statesman-like wisdom and fidelity.

I am glad now to make this explanation, and attach this statement to report of my finance clerk, R. V. Nichols, and also the report jointly by the finance clerk of the House, W. R. Nabours, and R. V. Nichols, of the Senate, and have same printed in the Journal.

Yours very truly,

ED WESTBROOK,

Chairman Senate Finance Committee.

To the Members of the Senate Finance Committee.

Gentlemen: In arriving at the appropriations made by the Thirty-fifth Legislature, as compiled on sheet thereto attached, it became necessary in order to get all the appropriations made, to go through all the laws from the Regular Session up to and including all Called Sessions, which, in the aggregate, gave \$19,178,408 for the fiscal year ending August 31, 1918, and \$9,827,404.27 for the fiscal year ending August 31, 1919. From these totals we deducted \$1,726,800 for the first year and \$102,800 from the second year, this amount being for appropriations for State Normal Schools, etc., that was later repealed by the Third Called Session of the Thirty-fifth Legislature. Then in the second year, the Fourth Called Session repealed the laws appropriating \$387,783.50, bringing the net appropriations down for the first year, 1918, to \$17,451,608.00, and the second year, 1919, to \$9,336,820.76, or the total for the two years, \$26,788,428.76.

It might be of interest for you to know just how we arrived at the above figures. I will give you the following summary:

Thirty-fifth Legislature—	Amount Appropriated for	
	1918.	1919.
Regular Session .....	\$ 3,354,424.05	\$ 1,402,266.59
First Called Session.....	11,714,708.73	7,135,504.18
Second Called Session.....	1,107,653.50	808,153.50
Third Called Session.....	378,764.99	262,900.00
Fourth Called Session.....	2,722,856.73	218,580.00
Making a total of.....	\$19,178,408.00	\$ 9,827,404.27
Less amount repealed by the Third and Fourth Called Sessions.....	1,726,800.00	490,583.51
Leaving the net appropriation.....	\$17,451,608.00	\$ 9,336,820.76

According to the Comptroller's report, the Thirty-fifth Legislature exceeded its limit in appropriations the first year of some \$1,325,000, as the report only shows to have collected a little over \$16,126,000 from all revenue sources, which went to the credit of the General Revenue. However, there was more than \$1,325,000, as I understand, left unexpended out of the previous year in the General Revenue, which was used to take care of the deficit for the year 1918, with the exception of a deficit on August 31, in round numbers, of \$368,000.

The total revenue available under the present law for each year is \$14,000,000. The new budgets for 1920-1921 carries estimates in the sum of \$18,106,130.25, and the second year of \$14,220,616.00, or a total of \$32,326,746.25, against the net appropriations made by the Thirty-fifth Legislature for the two years of \$26,788,428.76, or an increase of \$5,538,317.49.

Trusting I have made the above

data clear to the Committee, and that it will be of service to you, I am,

Yours very truly,

R. V. NICHOLS,  
Senate Finance Clerk.

Austin, Texas, Feb. 13, 1919.

Hon. Chas. G. Thomas, Chairman of  
House Committee on Appropriations;

Hon. Ed Westbrook, Chairman of  
Finance Committee of Senate.

Sirs: In compliance with your request for a statement showing the net appropriations made by the Thirty-fifth Legislature, and also a statement of the estimates necessary for the support of the State Government for the next two years, beg to advise that we have made a careful investigation, and from the best information obtainable report as follows: You will note that the appropriations for the years 1918 and 1919 are the net appropriations for said years, all appropriations which were repealed being deducted.

	FOR THE YEARS ENDING			
	Aug. 31 1918	Aug. 31 1919	Aug. 31 1920	Aug. 31 1921
	Appropriated		Estimated.	
Judiciary .....	\$ 1,211,923.00	\$ 1,236,088.00	\$ 1,236,138.00	\$ 1,234,138.00
Eleemosynary .....	3,602,346.50	1,973,306.00	4,295,164.00	3,413,608.00
Educational .....	3,602,346.70	2,897,359.50	4,953,596.00	4,589,128.00
Departmental .....	1,757,803.75	1,616,748.75	2,569,478.85	2,483,742.00
Totals .....	\$ 9,261,970.25	\$ 7,723,502.26	\$13,054,376.85	\$11,720,616.00

For other purposes, including appropriations for Ranger Force, Texas National Guard, new Normals, Rusk Asylum, the Wichita Falls Asylum, Penitentiary claims, Land Office building, Rural Schools, Drouth Relief, mileage and per diem and contingent expenses of regular and all called sessions of the Thirty-fifth Legislature, and for various emergency and miscellaneous bills .....

8,189,637.75      1,613,318.51

NOTE: The following are only estimates taken from the best information obtainable:

Miscellaneous bills carrying appropriations, including rural school bill, bill supplementing the available school fund, and others which are in process of enactment....	3,687,900.00	2,000,000.00
Deficiency bills pending....	263,853.40	.....
Emergency budget .....	600,000.00	.....
Gen. miscellaneous bills....	300,000.00	300,000.00
Allowed for bills which may be passed carrying appropriations, and for items that can not be anticipated .....	200,000.00	200,000.00

Totals .....	\$17,451,608.00	\$ 9,336,820.76	\$18,106,130.25	\$14,220,616.00
Total net appropriations for the last two years .....			\$26,788,428.76	
Total estimates and approximation for the next two years.....			32,326,746.25	
Total amount of revenue available under present law for each year.			14,000,000.00	

Respectfully submitted,  
**W. R. NABOURS,**  
 Clerk Appropriation Committee  
 of the House;  
**R. V. NICHOLS,**  
 Clerk Finance Committee of the  
 Senate.

#### Enrolling Committee Reports.

Committee Room,  
 Austin, Texas, Feb. 18, 1919.  
 Hon. W. A. Johnson, President of the  
 Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 19, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:35 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Alderdice. S. C. R. No. 19.  
 Resolved by the Senate, the House concurring:

Whereas, the Federal Government by the Smith-Hughes Act appropriated for vocational education in the State of Texas for the session of 1917-1918, the total sum of \$62,325.20, of which this State was able to use only \$20,307.29, less than one-third of the total appropriation, and

Whereas, one cause of this inability of the State to expend the sum appropriated for the benefit of the State was certain regulations of the Federal Board for Vocational Education, which provided conditions not contained in the Smith-Hughes law, therefore be it resolved:

(1) That the Legislature of the State of Texas hereby requests of the Federal Board, permission to make

State plans for the use of these funds for the next two years with provisions requiring no further conditions than those demanded by the Smith-Hughes law, and

(2) That the State Superintendent of Public Instruction is hereby directed to bring this matter before the Federal Board for Vocational Education at the annual convention of the National Association of Teachers of Vocational Education, on February 19, and that she urge respectfully the importance of compliance with this reasonable request.

Committee Room,  
 Austin, Texas, Feb. 18, 1919.  
 Hon. W. A. Johnson, President of the  
 Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 10, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:35 o'clock, a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Smith. S. C. R. No. 10.

Whereas, The Texas Flag Law places upon the State Superintendent of Public Instruction the responsibility of issuing to the schools instructions in regard to the details of the observance of the law, and

Whereas, Intelligent care of the flag is a part of the lesson of patriotism, since the flag is to the child the symbol of his love of his country, and

Whereas, The Superintendent of Public Instruction is in hearty accord with the desire of certain members of the Legislature to preserve

the flags now the property of the schools, and not to represent the patriotic feeling of our nation by tattered and discolored emblems on the school houses of our State, therefore, be it resolved,

That it is the wish of the people of Texas, through their representatives in the Texas Legislature, that the State Superintendent of Public Instruction shall include, in instructions to city and county superintendents, provisions requiring the flag of each school house to be kept within doors, or to be displayed on the exterior of the building only in good weather, on suitable occasions, and at such regular intervals as may be desired, at the same time providing for such regular use of the flag in patriotic exercises as may inspire in the children of the State the proper reverence and enthusiasm for the Star Spangled Banner of the greatest republic in the world.

Committee Room,

Austin, Texas, Feb. 18, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 149, a copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:35 o'clock, a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Bell.

S. B. No. 149.

A BILL

To Be Entitled

An Act authorizing counties, acting through their commissioners' court to purchase seed to be planted on farms in such counties by residents thereof, who are poor and unable to procure same and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations, by which such seed and feed will be furnished said residents of the counties who are poor and unable to procure the same; authorizing counties to use their general funds for this purpose, where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the year 1919 are collected; conferring certain powers and prescribing certain duties relative

to the administration of this Act, on the commissioners' court and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this Act may obtain seed and feed hereunder, and providing for the payment therefor by such persons; conferring certain power and authority upon the county tax collectors and county attorneys relative to the administration of this Act; providing the terms and conditions upon which the State will advance certain amounts to the various counties of the State to augment the funds provided for the purchase of seed and feed, and the distribution of same hereunder, and the terms and conditions thereof; prescribing certain duties for the Governor of Texas, the State Treasurer, the Comptroller of Public Accounts and the Attorney General of the State of Texas, relative to the administration of this Act; providing for the repayment to the State of funds advanced by it; defining and creating certain offenses for violations of the terms of this Act, and providing punishment therefor; stating when operation may be commenced under this Act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this Act, in the sum of one million dollars, and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. The counties of this State shall have authority to expend their general funds for the purpose of purchasing seed to be planted by residents of such counties during the year 1919 and of supplying feed for the work stock of the residents of such counties who are poor and unable to procure such seed; provided, however, that not more than sufficient seed for one hundred acres of land shall be furnished to any one person or household, and not more feed shall be furnished to any one person or household than is sufficient for work stock to work one hundred acres of land.

Section 2. All persons entitled to seed and feed for stock and wishing to avail themselves of the benefits

of this Act shall file with the county clerk of the county where such applicant resides, on or before the first day of September, 1919, an application duly sworn to before some officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the applicant intends to plant; how many bushels or pounds and the kind and character of seed he will require to seed said ground, and the number and kind of work stock he intends to work on such land; said application shall show that the applicant has not procured and is not able to procure the necessary seed and feed for the current year; that he desires such seed and feed for no other purpose than that specified in this Act, and that he will not sell or store the same or any part thereof, but will use the same and the whole thereof in planting and working the crops on the lands specified in his application. Said application shall also set forth the location and ownership of lands, which the applicant expects to work. The application shall also contain a true and full description of all real and personal property owned by the applicant and all incumbrances and liens thereon. He shall also state what, if anything, he owes, and to whom, and the amount thereof, and said applicant shall further state the length of time he has resided in said county and the Post Office address of his former residence. All applications filed under the provisions of this Act shall be consecutively numbered, and shall be open to public inspection; and no application shall be considered by the board of county commissioners except such as have been made and filed in the manner prescribed in this section. All applications shall be on forms prescribed and furnished the counties operating hereunder by the Governor of Texas.

Section 3. Any person making a false statement in such sworn application shall be guilty of false swearing, and shall be punished as prescribed for that offense in the Penal Code of this State. Any person obtaining aid by any false statement in such application, or in aid thereof, shall be deemed guilty of swindling, and shall be punished therefor as prescribed in the Penal Code of this State for the offense of swindling.

Section 4. The county commissioners' court of each county operating under the provisions of this Act shall examine and pass upon all such applications, and may require such additional proof of any of the facts stated therein as may be necessary to make them cognizant of the real facts. If they approve an application, they shall direct the issuance of such grain and feed to the applicant as they may deem sufficient and consistent with the necessities of other applicants and the ability of the county to respond to the valid demands made upon it under this Act; they may direct the issuance of additional seed and additional feed stuff to the applicant, from time to time, when they deem it necessary and consistent with the conditions that confront them.

Section 5. The county clerk of each county shall, as soon as the county commissioners shall have approved an application, issue to such applicant an order for the number of bushels or pounds of each kind of seed, and the amount and kind and character of feed which has been allowed said applicant, unless otherwise directed by the commissioners, or by the county judge, acting for them; provided, however, that such order shall not be delivered to the applicant until he shall have signed a contract in duplicate, attested by the county clerk, to the effect that said applicant for and in consideration of the seed and feed furnished him, which shall be described in such contract, the applicant promises to pay to said county the amount of the costs of the same which shall be therein specified, together with ten per cent attorney's fees if suit should be brought on the same. The amount of such indebtedness shall become due and payable on the first day of December, A. D. 1919, together with five per cent interest per annum from the date of such contract. The contract shall be on forms prescribed by the Attorney General.

Section 6. On the delivery of such contract to the county clerk, he shall file the duplicate thereof as chattel mortgages are filed, and the county shall thereby acquire a just and valid lien upon the crops grown by such applicant which are planted from the seeds thus purchased or worked with work stock, for which such feed was advanced; said con-

tract shall be a valid lien as against all creditors, purchasers or mortgages thereafter and against all liens of any kind or character, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid.

Section 7. The original of said contract shall be delivered to the tax collector, whose duty it shall be to collect the same when due, and pay same to the county; but he shall not be entitled to any additional compensation therefor. If the amount due is not paid the collector, then he shall deliver the contract to the county attorney, who shall bring suit thereon, and for foreclosure of all liens, and shall receive for his services the ten per cent attorneys' fees when collection is made; provided that the county may make use of the garnishment, attachment or sequestration proceedings; provided, however, that the commissioners, court shall have authority to extend the time of payment on any amount due under the contract, upon such terms as may be agreed upon, provided approved security is furnished; any renewal of the contract shall be a lien against the contractor's crop wherever planted, in the same manner as in the first instance, but a copy of the renewed contract must be filed as in the first instance.

Section 8. Any person or persons who shall, contrary to the provisions of this Act, sell, transfer, take or carry away, or in any manner dispose of the seed or feed, or any part thereof, furnished under this Act, or shall use or dispose of same or any part thereof for any other purpose than those stated in his application except under the direction of the commissioners' court, shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail for any time not more than ninety days, or by both such fine and imprisonment.

Section 9. The county commissioners of every county operating under this Act shall advertise their purpose to distribute feed and seed hereunder for ten days in some newspaper published in the county

prior to the date when they shall begin such distribution, or if no newspaper is published, then by notice posted at the usual place in the court house. Said advertisement or notice shall contain a provision that no distribution will be made after the first day of September, A. D., 1919.

Section 10. If more seed and feed is applied for than can be supplied by the commissioners under the provisions of this Act, then, as near as may be, considering all the facts and circumstances, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this Act, taking into consideration the acreage and necessities of each applicant. The commissioners shall have the right to refuse any application which they may deem improper to grant, and may revise their adjustment on applications at any time before distribution.

Section 11: With the funds provided under this Act, it shall be the duty of the commissioners to purchase such seed and feed at the lowest price at which the same can be obtained, to store and care for the same until called for, and to furnish the same to applicants at the actual cost thereof, which shall include transportation, storage, insurance, handling and other necessary charges if any; provided, that in the purchase of planting seed and feed herein provided for, the commissioners' court may first make application to the Bureau of Markets of the Texas Department of Agriculture for assistance in the purchase of these commodities, and that all the facilities of said Department shall be at the service of different counties which are making use of the funds provided for by the provisions of this Act, to the end that said commodities may be purchased at the smallest possible cost.

Section 12. In case a county does not have the actual funds in hand, it may issue warrants against its general funds due from taxes for the current year, which warrants shall be paid when such taxes are collected and which may bear such rate of interest as may be fixed by the commissioners' court.

Section 13. It is further provided that on application of any county by its commissioners' court, showing that it has no further funds, or will

have no funds which may be used for the purposes herein contemplated or that it has insufficient funds for such purposes, the State of Texas shall advance to such county such sum of money as may be necessary for the purposes contemplated by this Act, not to exceed Thirty Thousand Dollars (\$30,000.00) for any one county. The county receiving such advancement shall repay the same in not to exceed two years, making an annual payment of not less than one-half (1-2) thereof each year. The fund so advanced to the county shall be repaid, together with four per cent (4%) interest on the sum advanced. The application of any county for State aid in this manner shall be made to the Governor of the State of Texas, whose duty it shall be to investigate the conditions in such county, and if he determines that the amount of aid applied for is necessary, he shall approve such application for aid and immediately present the same to the Comptroller of the State of Texas, who shall issue his warrant on the Treasury of this State in favor of the County, for the amount approved. All counties receiving State aid shall execute an obligation of the county, payable to the State of Texas, which obligation shall be authorized by the commissioners' court of the county receiving such aid, and the form of such obligation shall be prescribed by the Attorney General of the State of Texas, and the proceedings of such commissioners' court shall be subject to review by the Attorney General.

Section 14. Operation under this Act, including the distribution of seed and feed in preparation for the crop year 1919, may begin as soon as this Act becomes effective, but no distribution shall be made after September 1, 1919, but the other provisions of the Act shall remain effective for further administration.

Section 15. Whenever the State has furnished aid to any county, the State Treasurer shall open an account on his books with such county, and keep a record thereof, showing all sums advanced, and all payments received, and such other facts as may be relevant.

Section 16. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of one million

dollars for carrying out the purposes of this Act; provided, however, that no part of the funds herein appropriated shall be used directly or indirectly for any purpose other than the purchase of seed and feed, and shall not be used for the payment of any salaries of assistants, agents, or employees, or their expenses.

Section 17. The fact that all the world is in need of food and that the United States being called on to supply the starving peoples of Europe, and the fact that the growth of farm products has become a necessity of our own national existence, and the fact that throughout the State of Texas there has prevailed a drouth of unprecedented severity for the past two years, causing total crop failure over a vast area, by reason of which many thousands of those engaged in agriculture are unable to obtain seed to plant their crops and feed for their work stock for the coming year, creates an emergency and an imperative public necessity which requires that the constitutional rule, which provides that bills be read on three several days, be suspended and said rule is hereby suspended and that this Act take effect and be enforced from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 21, copy of which is hereto attached, and find it correctly enrolled, and have this day at 3:50 o'clock p. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By McNealus. S. C. R. No. 21.  
Resolved by the Senate of Texas, the House of Representatives concurring, That Senate Concurrent Resolution No. 17 be rescinded and repealed.

Committee Room,  
Austin, Texas, Feb. 18, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 24, copy of which is hereto attached, and find it correctly enrolled, and have this day at 3:50

o'clock p. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Gibson and Buch- S. C. R. No. 24  
anan of Bell.

Whereas, The Congress of the United States has pending before its committees certain measures relative to soldier settlements; and

Whereas, The House of Representatives has pending before it H. R. 13651, being a bill making an appropriation for the reclamation of swamp lands; and

Whereas, These several measures are of great importance to the people of the United States and particularly to the returned soldiers; and

Whereas, The Legislature of the State of Texas has submitted a constitutional amendment to the people of Texas having in view co-operative legislation of this character; and

Whereas, The Legislature of this State is contemplating the immediate passage of such laws as may be necessary to co-operate with the United States Government in these enterprises; therefore, be it

Resolved by the Senate of the State of Texas, the House concurring, That members of the Congress, both of the Senate and House of Representatives from Texas, be, and they are hereby, urged to secure the adoption of the measures mentioned now pending in the Congress of the United States before the adjournment of the present Congress; that it is the opinion of the Legislature of the State of Texas that in making an active and aggressive stand at this time our Representatives and Senators in the Congress will perform a public duty of vast and far-reaching importance to the people of Texas.

That a copy of this Concurrent Resolution be transmitted forthwith by the Chief Clerk of the Senate to each Senator and member of Congress from Texas at Washington.

Committee Room,  
Austin, Texas, Feb. 18, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 106, copy of which is hereto attached, and find it correctly enrolled, and have this day at 3:50 o'clock p. m. presented

the same to the Governor for his approval.

SMITH, Chairman.

By Floyd.

S. B. No. 106.

# A BILL

## To Be Entitled

An Act to make it unlawful for any person, persons, firm, troupe, company, corporation or aggregation of persons traveling from place to place, composed in whole or in part of women, to show or exhibit in any dancing performances or as dancers in a tent or other temporary enclosure, structure or any place whatsoever; provided that it shall not be unlawful for regularly organized shows, theatrical companies or troupe to show or exhibit in permanently established opera houses, theaters, play houses, auditoriums or licensed circuses, and providing penalties for violation of the Act, and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. It shall hereafter be unlawful for any person, persons, firm, troupe, company, corporation or aggregation of persons, traveling from place to place, composed in whole or in part of women, to show or exhibit in any dancing performances, or as dancers in a tent, enclosure, temporary structure or in any location whatsoever; provided that it shall not be unlawful under this Act for any regularly organized show, theatrical company or troupe to show or exhibit dancing performances in permanently established opera houses, play houses or auditoriums, or for any licensed circus, to give dancing exhibitions in connection with any regular performances, provided said circus exhibits for no longer period of time than one day on succession in any town or city in this State.

Section 2. Any person, persons, firm, troupe, corporation, company or aggregation of persons, violating any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less than \$100.00 nor more than \$500.00 and shall in addition thereto be sentenced to not less than thirty days nor more than one year in the county jail in which county the offense is committed.

Section 3. Whereas, there is now

no statute prohibiting such dancing performances described in this Act, and there is a large demand that this Act go into immediate effect, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and the same is hereby suspended, and that this Act take immediate effect and be in force from and after its passage, and be it so enacted.

#### TWENTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas, Feb. 19, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent—Excused.

Willifor 1.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

#### Petitions and Memorials.

See Appendix.

#### Standing Committee Reports.

See Appendix.

#### Special Committee Report.

The Ranger Investigation Committee filed its report, which was re-

ceived and ordered printed in the Journal.

See Appendix.

#### Bills and Resolutions.

By Senator Buchanan of Bell:

S. B. No. 315, A bill to be entitled "An Act amending Section 2 and Section 19 of Chapter 60 of the Acts of the 35th Legislature, passed at its regular session, providing that the Live Stock Sanitary Commission shall as far as possible destroy and eradicate fever carrying ticks, contagious, infectious and communicable diseases of live stock, and shall establish special quarantine districts, where necessary, providing for notice of the establishment of such quarantine districts, and to quarantine live stock therein or elsewhere, and to prescribe methods for dipping live stock and disinfecting the premises, providing that the sheriffs and constables shall assist such Live Stock Commission and its inspectors in enforcing the provisions of said section, providing compensation for such sheriffs and constables; providing that farmers and stock raisers having herds of less than one hundred cattle shall not be required to dip such cattle until they are first inspected and found to be infected with fever carrying ticks, contagious, infectious or communicable diseases, and declaring an emergency."

Read first time, and referred to Committee on Stock and Stock Raising.

By Senator McNealus:

S. B. No. 316, A bill to be entitled "An Act to provide for the consolidation of two or more insurance companies doing the same line of business, where one or all of them have been previously organized under the laws of this State; to regulate the manner of such consolidation, and to repeal all laws and parts of laws in conflict therewith."

Read first time, and referred to Committee on Insurance and Banking.

By Senator Dean:

S. B. No. 317, A bill to be entitled "An Act naming the pecan as the Texas State tree, and declaring an emergency."